

Emergency Request

Name of person about whom you are applying:

Notice to applicant

You should provide the person with a copy of this Emergency Request and notify them a hearing will be held. *Guardianship and Administration Act 1995.*

Type of Emergency Order requested

- ☐ Guardianship
- ☐ Administration
- ☐ Suspension of Enduring Power of Attorney
- ☐ Relates to a Represented Person (see below for definition of 'Represented Person')

Please provide

as much information as you can for each of the questions in this Request form. Providing insufficient information may delay the processing of this Request. If you need more space to answer questions in this Request, attach as many extra pages as you need. You may also attach copies of any relevant reports or documents.

If you need further information, please phone:

Tasmania

1300 799 625

Outside Tasmania

6165 7500

Email: guardianship@tascat.tas.gov.au

Or visit our website at: www.tascat.tas.gov.au

Office Use:

CMS:

EG:

EPA:

MN:

What is an administrator?

An administrator manages the estate or finances of a person with a disability where that person's disability impairs his or her ability to make reasonable judgments in relation to their estate. An administrator may ensure that the person's accounts are paid, protect the person's assets and make any financial decisions that the person could make if he or she had capacity to do so. An administrator cannot make decisions about personal matters.

Further information available in Fact Sheet - Administration

What is a guardian?

A guardian can make personal decisions on behalf of a person where that person's disability impairs his or her ability to make reasonable judgments about their person or circumstance e.g. Accommodation, provision of services, or medical treatment. A guardian cannot make decisions about financial matters.

Further information available in Fact Sheet – Guardians

What is an Enduring Power of Attorney?

An enduring power of attorney (EPA) is a legal document that enables a person (the donor) to appointment another person (the attorney) to make financial decisions on their behalf after they lose the mental capacity to make such decisions for themselves.

Further information is available in Fact Sheet – Review of Enduring Powers

What is an Enduring Guardian Instrument?

An enduring guardianship instrument is a legal document that enables a person (the appointor) to appoint another person (the enduring guardian) to make personal decisions on their behalf when by reason of disability they become unable to understand the make reasonable judgments in relation to his or her circumstances.

Further information is available in Fact Sheet – Review of Enduring Guardians

Person Responsible is a substitute decision maker for a person who is incapable of giving medical and /or dental consent, and can make medical and/or dental treatment decisions for them. Who can be the Person Responsible is set out in section 4 of the *Guardianship and Administration Act 1995*.

Further information is available in Fact Sheet – Consent to Medical Treatment by a Person Responsible

What is an Advance Care Directive?

An Advance Care Directive (ACD) is a legal document that allows a person to give instructions about future decisions for medical treatment of healthcare. It is made by a person when they have decision-making ability in anticipation of a time when they do not have a the ability to make those decisions due to injury or illness.

Further information is available in Fact Sheet - Advance Care Directive

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Protective Division - Guardianship Stream



T A S C A T

TASMANIAN CIVIL &
ADMINISTRATIVE TRIBUNAL

I. Who is the application about:

Title: Surname:

Given Names:

(this form refers to this person as “the person” in all questions.)

Date of birth:.....

Other names this person may be known by:

Address:

.....Postcode:.....

Telephone:

Email:

Is this person presently in hospital?

- ☐ No – proceed to complete this application
- ☐ Yes – which hospital?

2. Who is making the application:

Organisation:

Title: Surname:

Given Names:

Address:

..... Postcode:.....

Telephone:

Email:

What is your relationship to the person? (e.g. spouse, child, parent, case manager)

3. What orders are you seeking from the Tribunal?

- ☐ The appointment of an Emergency Guardian – proceed to question 4
- ☐ The appointment of an Emergency Administrator – proceed to question 4
- ☐ A suspension of the operation of the EPA – proceed to question 4
- ☐ A further power or order in respect of a Represented Person (please provide details below)

4. Does the person have a disability?

What is the nature of the person's disability? (please specify diagnosis if known, e.g. dementia, schizophrenia, acquired brain injury, intellectual disability):

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5. Capacity – How does the person's disability affect his or her ability to make reasonable judgements?

This image shows a full page of white paper with horizontal dashed lines, typical of primary school writing paper. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

6. What is the urgent need for the Order sought?

[illegible]

7. What are the risks to the person if any emergency order is not made in the next 10-14 days?

[illegible]

8. What other options have been tried to prevent the risk and what was the outcome?

[illegible]

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Is a Health Care Professional Report, medical practitioner's or psychologist's report available to verify this?

- ☐ No – if not why not?

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9. What are the person's wishes?

9.1 What views has the person expressed about this Request:

[illegible]

9.2 What are the wishes of the person with respect to the concerns that motivated this Request?

This image shows a full page of white paper with ten horizontal dashed lines, typical of primary school handwriting practice paper. The lines are evenly spaced and extend across the entire width of the page. There is no text or other markings on the paper.

10. Evidence to support the Request:

10.1 Who is the person's primary Person Responsible?

Title: Surname:

Given Names:

Address:

Postcode:

Telephone:

Email:

Relationship to the person:

10.2 Has the person made an Advance Care Directive?

- ☐ Yes ☐ No

If yes, who is the authorised decision maker?

Full Name:

Address:

Telephone:

Email:

Date of ACD:

Registration number (if registered):

10.3 Name and contact details of any other persons who should be notified of the Request and the hearing of the Request.

Full Name:

Address:

Telephone:

Email:

Full Name:

Address:

Telephone:

Email:

Full Name:

Address:

Telephone:

Email:

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☐ If your application is for the suspension of an EPA please proceed to question 11 and 12.

☐ Please attach a copy of the current EPA.

11. Who is the current attorney of the EPA?

Organisation:

Title: Surname:

Given Names:

Address:

..... Postcode:.....

Telephone:

Email:

What is your relationship to the person? (e.g. spouse, child, parent, case manager)

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12. Applications for the suspension of a current EPA?

Please detail your concerns in relation to the current EPA, including any conflict of duty alleged or any loss suffered by the donor as a result of the current attorney's actions.

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13. If the Tribunal suspends the EPA, does the Donor still need an attorney / administrator?

☐ No

☐ Yes

☐ Unsure

Why do you believe the donor still needs an attorney/administrator?

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14. Please detail the financial details of the person.

Source of income (e.g. salary, Centrelink, DVA, superannuation etc)

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Estimated fortnightly income:

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Estimated savings or investments (including superannuation.
Please provide names of financial institutions where known):

Institution:	Amount:
1.
2.
3.
4.
5.

Real Estate: (please provide addresses)

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Other assets: (vehicles, shares or interest in a business etc)

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Estimated fortnightly expenses: (e.g. rent, board, Aged Care fees,
utilities etc)

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Estimated liabilities: (credit card debt, mortgage, outstanding
accounts, maintenance of dependents etc.)

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All applicants must sign
this declaration.

15. Compulsory declaration by applicant.

I have told the person that I have made this Request for an
Emergency Order and provided them with a copy of this
Request?

☐ Yes. Date:

☐ No. Why not:

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.....

Having read through this completed application:

☐ I consider that, to the best of my knowledge, all of
the information is true and accurate.

☐ I have not intentionally left out important
information or the names of people who are likely
to have a legitimate interest in the application.

☐ I understand that it is an offence to make a false or
misleading statement in an application.

Name:

Signed:

Dated:

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How to lodge the request:-

You can lodge the completed Request form and attachments by:-

- Delivering it in person to:-
38 Barrack Street
Hobart

OR

- Mailing it to:-
TASCAT
Guardianship Stream
GPO Box 1311
HOBART TAS 7001

OR

- Emailing it to:-
guardianship@tascat.tas.gov.au

INFORMATION FOR THE PERSON WHOM THE REQUEST IS ABOUT:

The Tribunal will in almost all instances hold a hearing to determine this Emergency Request. A hearing will occur as soon as practically possible. The Tribunal will advise you of the time of the hearing.

You do not have to attend the hearing. If you chose to attend, you have the right to make oral submissions or put before the Tribunal written material/evidence that you want the Tribunal to take into account in making its decision. You also have the right to be represented by a lawyer or advocate.

The Tribunal is not required under the *Guardianship & Administration Act 1995* to hold a hearing or give notice of hearing. Upon receiving an Emergency Request the Tribunal may make such enquiries or investigations it thinks fit.

The Tribunal can make an Order for a period not exceeding 28 days. The Order may be renewed once for a further period not exceeding 28 days.